

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MOUNTAINEER CELLULAR GENERAL PARTNERSHIP	)	
	)	
_____	)	CASE NO. 92-120
	)	
ALLEGED VIOLATION OF KRS 278.020	)	

O R D E R

On January 22, 1992, Mountaineer Cellular General Partnership ("Mountaineer Cellular") filed an application for a Certificate of Public Convenience and Necessity to construct a cellular communications tower in Hindman, Kentucky. On February 20, 1992, James Johnson, a Communications Inspector with the Kentucky Public Service Commission, visited the proposed site in connection with Mountaineer Cellular's application and observed that a small tripod tower, antenna and a concrete block building which houses switching equipment necessary for operation of the cellular tower had already been constructed.

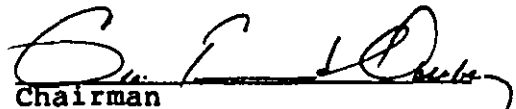
The Commission finds from the affidavit of James Johnson, which is attached and incorporated herein as Exhibit A, that a prima facie showing has been made that Mountaineer Cellular has begun construction of facilities for a cellular tower prior to Commission approval in violation of KRS 278.020.

IT IS THEREFORE ORDERED that Mountaineer Cellular shall appear at a hearing scheduled for April 29, 1992, at 10:00 a.m., Eastern Daylight Time in Hearing Room 1 of the Commission's

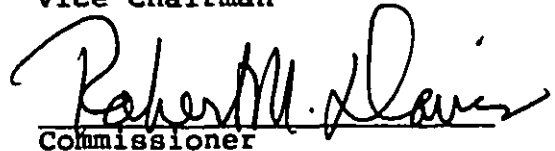
offices at 730 Schenkel Lane, Frankfort, Kentucky to present evidence of the alleged violation of KRS 278.020 and be prepared to show cause why Mountaineer Cellular should not be penalized under KRS 278.990 if such violation is found to have occurred. An informal conference is scheduled for April 20, 1992, at 2:00 p.m., Eastern Daylight Time, in Conference Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for discussion of any issues necessary for the resolution of this proceeding.

Done at Frankfort, Kentucky, this 27th day of March, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

A F F I D A V I T

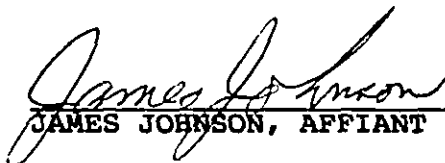
The Affiant, James Johnson, after being duly sworn, states as follows:

1. My name is James Johnson and I am employed as a Utility Regulatory Investigator, Sr. with the Kentucky Public Service Commission.

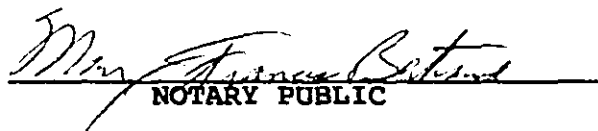
2. On January 22, 1992, Mountaineer Cellular General Partnership applied for a Certificate of Public Convenience and Necessity for authority to construct a tower for the Hindman cell site.

3. On February 20, 1992, I visited the proposed Hindman cell site, in connection with Mountaineer Cellular's application for authority to construct at said location, and observed a small tripod tower, antenna and concrete block building which houses switching equipment necessary for the operation of the cellular tower.

FURTHER THE AFFIANT SAITH NOT.

  
JAMES JOHNSON, AFFIANT

Subscribed and sworn to before me by James Johnson this 13<sup>th</sup>  
day of March, 1992.

  
NOTARY PUBLIC

My Commission expires: Nov. 30, 1992